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UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

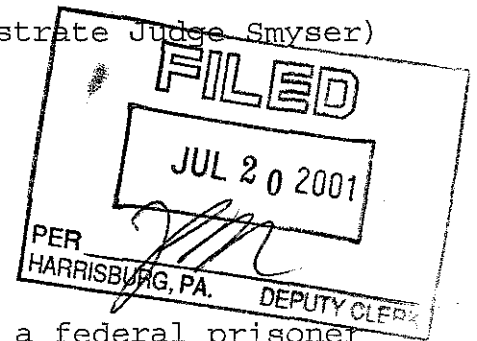
MICHAEL NORWOOD
Plaintiff,

v.

DONALD ROMINE,
Defendant

: CIVIL NO: 1:CV-01-1005
:
: (Judge Caldwell)
:
: (Magistrate Judge Smyser)

ORDER



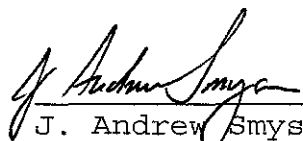
On June 6, 2001, the plaintiff, a federal prisoner proceeding *pro se*, commenced this action by filing a complaint. On June 11, 2001, the plaintiff filed an amended complaint.

On July 16, 2001, the plaintiff filed a motion seeking an order directing the United States Marshal to serve his amended complaint on the defendant.

The plaintiff has not sought or been granted leave to proceed *in forma pauperis* in this case. Thus, we will not order the United States Marshal to serve the amended complaint. The plaintiff, like any other litigant would be, is required to served his amended complaint in accordance with Fed.R.Civ.P. 4.

The plaintiff argues that we should order the Marshal to serve his amended complaint because he is in prison and he can not locate anyone willing to serve the defendant. We note that pursuant to Fed.R.Civ.P. 4(d) the plaintiff may request that the defendant waive service of the summons and complaint. If the plaintiff follows the procedures of Fed.R.Civ.P. 4(d) and requests that the defendant waive service of the summons and complaint and the defendant refuses that request, we will consider ordering the United States Marshal to serve the defendant and order the defendant to show cause why he should not pay the cost of service.

AND NOW, this ¹⁰20 day of July, 2001, **IT IS HEREBY ORDERED** that the plaintiff's motion (doc. 6) for an order directing the United States Marshal to serve his amended complaint is **DENIED**. The Clerk of Court is directed to send a summons to the plaintiff.


J. Andrew Smyser
Magistrate Judge

Dated: *July 20, 2001.*

